

REMARKS

The above amendments and these remarks are responsive to the Office Action issued on February 23, 2005. By this response, claims 1, 5, 8, 15, 22, 30, 32, 34, 36 and 38 are amended, and claims 3, 10, 17 and 24 are cancelled without prejudice. No new matter is added. Claims 1, 2, 4-9, 11-16, 18-23 and 25-38 are now active for examination.

The Office Action dated February 23, 2005 rejected claims 1-38 under 35 U.S.C. §102(b) as being anticipated by Phung et al. (U.S. Publication No. 2002/0007237). Claims 22, 24-28, 36 and 37 were objected to for a typographical error in claim 22. In view of the claim amendment and remarks presented herein, Applicants respectfully submit that the claim rejection is overcome and the objection is addressed.

The Objection and Rejection of Claims 3, 10, 17 and 24 Are Moot

By this Response, claims 3, 10, 17 and 24 are cancelled without prejudice. Consequently, the rejection and objection thereof are now moot.

The Objection to Claims 22, 25-28, 36 and 37 Is Addressed

Claims 22, 24-28, 36 and 37 were objected to for a typographical error included in claim 22. By this Response, claim 22 is amended to correct the typographical error. It is believed that claims 22, 24-28, 36 and 37 are now in proper form.

The Anticipation Rejection Is Overcome

Claims 1, 2, 4-9, 11-16, 18-23 and 25-38 were rejected as being anticipated by Phung. The anticipation rejection is respectfully traversed because Phung cannot support a prima facie case of anticipation.

By this Response, claim 1 is amended to include descriptions from claim 3 and recites:

An expert diagnostic service method comprising the steps of:

- collecting data related to effective fixes corresponding to various symptoms from a plurality of diagnostic systems via a data transmission network;
- accessing a validation result of validated effective fixes corresponding to each of the various symptoms;
- accumulating the number of each validated effective fix corresponding to each of the various symptoms; and
- assigning at least one effective fix to one of the various symptoms based on a result of the accumulating step.

Thus, an expert diagnostic service method of claim 1 collects data related to effective fixes corresponding to various symptoms from a plurality of diagnostic system. A validation result of **validated effective fixes** is accessed. Based on the collected data, the number of **validated effective fixes** is accumulated. At least one effective fix is assigned to one of the various symptoms based on an accumulated number of the **validated** effective fixes.

Although Phung describes a global data center 220 that collects data related to effective fixes from a plurality of vehicle diagnostic devices through a data network, Phung does **not** describe accessing a validation result of **validated effective fixes**, and assigning at least one effective fix to a symptom based on an accumulated number of **validated effective fixes**, as described in claim 1. Since Phung fails to teach every limitation of claim 1, Phung cannot support a prima facie case of anticipation. The anticipation rejection is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Independent claims 8, 15, 22 and 38 also include descriptions comparable to those of claim 1 related to accessing validated effective fixes corresponding to each of the various symptoms and assigning at least one effective fix to a symptom based on an accumulated number of validated effective fixes. Therefore, claims 8, 15, 22 and 38 also are patentable over Phung

for at least the same reasons as for claim 1, as well as based on their own merits. Favorable reconsideration of claims 8, 15, 22 and 38 is respectfully requested.

Claims 2, 4, 6, 7, 9, 11-14, 16, 18-21, 23 and 25-29, directly or indirectly, depend on claims 1, 8, 15 and 22, and incorporate every limitation thereof. Accordingly, claims 2, 4, 6, 7, 9, 11-14, 16, 18-21, 23 and 25-29 also are patentable over Phung by virtue of their respective dependencies on claims 1, 8, 15 and 22. Favorable reconsideration of claims 2, 4, 6, 7, 9, 11-14, 16, 18-21, 23 and 25-29 is respectfully requested.

By this Response, claim 5 is amended and recites:

An expert diagnostic service method comprising the steps of:
collecting data related to effective fixes corresponding to various symptoms from a plurality of **patient** diagnostic systems via a data transmission network;
accumulating the number of each effective fix corresponding to each of the various symptoms; and
assigning at least one effective fix to one of the various symptoms based on a result of the accumulating step.

In contrast, the system described in Phung collects information from vehicle diagnostic systems, not patient diagnostic systems, as described in claim 5. Accordingly, Phung cannot support a prima facie case of anticipation. Claim 5 is patentable over Phung. Favorable reconsideration of claim 5 is respectfully requested.

Claim 30, as amended, describes an expert diagnostic service method that collects data related to various symptoms from a plurality of diagnostic systems via a data transmission network, and generates **a fault prediction** based on the collected data. Claim 31 depends on claim 30 and further describes that the fault prediction is related to a possible fault that may be experienced by a specific component.

In rejecting claims 30 and 31, the Office Action asserted that Phung teaches the claimed features in paragraph [0037]. Applicants respectfully disagree.

Paragraph [0037] of Phung merely describes uploading diagnostic results from diagnostic devices to global data center 220, and downloading updated data to the diagnostic devices. Contrary to the Examiner's assertion, paragraph [0037] does **not** provide any teaching related to "predicting a possible fault" that may be experienced by "a specific component," as described in claims 30 and 31, respectively. Since Phung fails to disclose every claimed limitation of claims 30 and 31 as alleged by the Office Action, Phung cannot support a prima facie case of anticipation. The anticipation rejection is untenable and should be withdrawn. Favorable reconsideration of claims 30 and 31 is respectfully requested.

Claims 34-37 include descriptions comparable to those of claims 30 and 31 relating to producing a fault prediction. Consequently, for at least the same reasons as for claims 30 and 31, claims 34-37 are patentable over Phung. Favorable reconsideration of claims 34-37 is respectfully requested.

For the reasons given above, Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representative listed below.

Application No.: 10/613,230

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink that reads "Wei-Chen Chen". The signature is fluid and cursive, with the first name "Wei-Chen" and the last name "Chen" clearly distinguishable.

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